UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION 5:18-cv-68-FDW

(5:04-cr-66-FDW-CH-1)

MICHAEL GRAYLEN WHEELER,)	
Dotition on)	
Petitioner,)	
vs.)	ORDER
UNITED STATES OF AMERICA,)	
Respondent.)	
	_)	

THIS MATTER is before the Court on Petitioner's pro se Motion for Extension of Time to File Response, (Doc. No. 7), and on Petitioner's Motion for Discovery, (Doc. No. 8). Petitioner filed the underlying motion to vacate on April 20, 2018, and this Court denied and dismissed the motion to vacate on July 9, 2018. <u>See</u> (Doc. Nos. 1, 5, 6). Because this action has already been dismissed, Petitioner's Motion for Extension of Time to File Response, (Doc. No. 7), and Petitioner's Motion for Discovery, (Doc. No. 8), are **DENIED** as moot.

Signed: July 27, 2018

Frank D. Whitney

Chief United States District Judge

¹ The Court notes, specifically as to Petitioner's Motion for Extension of Time to File Response, a Section 2255 petitioner does not have the absolute right to file a Reply to a Response by the Government.